

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
MONTANA STATE AUDITOR**

IN THE MATTER OF)	CASE NO. SEC-2011-239
)	
ROBERT L. SHERRY,)	ORDER REGARDING ORAL ARGUMENT
)	ON FILED EXCEPTIONS AND
Respondent.)	SUPPORTING BRIEFS
)	

On May 21 – 23, 2012, a contested case hearing was held in the above-referenced matter. Michael J. Rieley, Esq., presided as the Hearing Examiner and the hearing was conducted pursuant to the contested case provisions of the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-601, et seq. (MAPA). The Hearing Examiner entered his proposed Findings of Fact, Conclusions of Law, and Order on October 25, 2012, (Hearing Examiner’s Proposed Findings of Fact, Conclusions of Law, and Order) and served the parties with the same. See Mont. Code Ann. § 2-4-621.

The Commissioner of Securities and Insurance, Montana State Auditor (Commissioner) issued the Notice of Opportunity to File Exceptions and Scheduling Order on November 2, 2012. Respondent Robert L. Sherry (Sherry) timely filed exceptions to the Hearing Examiner’s proposed decision and requested oral argument on the same. The Commissioner adopts the following:

ORDER REGARDING ORAL ARGUMENT

Oral argument before the Commissioner will be held at the Office of the Commissioner at 840 Helena Avenue, Helena, Montana, on Thursday, January 3, 2012, and will begin at 2:00 p.m.

The oral argument is limited to the issues raised in the exceptions and briefs filed by the parties in this matter. The order of the proceeding will be:

- The parties will be given 5 minutes each to make an opening statement. The Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), may defer and give an opening statement immediately before making oral argument. Either party may waive its opening statement and proceed directly to the oral argument.
- Sherry will be given 20 minutes to argue his exceptions and to answer questions from the Commissioner.
- The CSI will be given 15 minutes to respond and to answer questions from the Commissioner.
- Sherry will be given 5 minutes to reply and to answer questions from the Commissioner.
- Each party will be given 5 minutes to make a closing statement.

The oral argument will be made in person by each party or by that party's attorney. A party may make a written request that the oral argument be conducted via telephone. The request to conduct the oral argument by telephone must be made in writing by December 15, 2012, and must be duly served upon the Commissioner and other party. The Commissioner will issue a separate order regarding the request to conduct oral argument via telephone.

DATED this 26th day of December, 2012.



MONICA J. LINDEEN
Commissioner of Securities and Insurance,
Montana State Auditor

cc: Mike Winsor, Insurance and Securities Departments
Robert L. Sherry, Respondent